

House Bill 827 (AS PASSED HOUSE AND SENATE)

By: Representative Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated, relating to Georgia State Indemnification Fund, so as to provide that, in the case of death or organic brain damage suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, state highway employee, or prison guard, if such person does not have an unremarried spouse or dependents, the indemnification payment shall be made to the parents or siblings of such person; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated, relating to Georgia State Indemnification Fund, is amended in Code Section 45-9-85, relating to payment of indemnification for death or disability, procedure for making of payments, and appeal, by revising subsection (a) as follows:

"(a) Indemnification shall be paid under this article as follows:

(1) In the case of a partial permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard, the eligible disabled person may elect payment of \$35,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;

~~(2) In the case of a partial permanent disability suffered in the line of duty by a state highway employee, the eligible person may elect to receive a payment of \$12,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

(3)(2) In the case of a total permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard, the injured person may elect to receive a payment of \$75,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum; or

~~(4) In the case of a total permanent disability suffered in the line of duty by a state highway employee, the eligible person may elect to receive a payment of \$25,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

(5)(3) In the case of death or organic brain damage suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, state highway employee, or prison guard, payment shall be made to the surviving unremarried spouse or the dependents of the spouse or deceased person as shown in his or her most recent tax return, to such person's dependent parents if such person does not have an unremarried spouse or dependents, to his or her surviving dependent siblings if such person has no surviving parents, or to the legal guardian of the organically brain damaged person. The surviving unremarried spouse, dependents, parents, siblings, or the legal guardian may elect to receive payment in a lump sum payment of \$100,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum; or

~~(6) In the case of death or organic brain damage suffered in the line of duty by a state highway employee, payment shall be made to the surviving unremarried spouse or the dependents of the spouse or deceased person as shown in his or her most recent tax return or to the legal guardian of the organically brain damaged person. The surviving unremarried spouse, dependents, or the legal guardian may elect to receive payment in a lump sum payment of \$40,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum."~~

## SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all claims filed or pending on and after such date.

## SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.